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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of the Netherlands

Addendum

Information provided by the Netherlands in follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Recommendation 22 (b): Amend the Media Act in line with articles 2 (f) and 5 (a) of the Convention in order that gender role stereotyping is considered to be discrimination

1. The right to freedom of expression guaranteed by the Dutch Constitution applies in full to the media. They enjoy a large degree of freedom in this regard and it is appropriate for government to exercise substantial restraint in this area. The degree of freedom, however, is not unlimited. The criminal law imposes limits on the freedom of expression: forms of expression that incite discrimination, racism, violence or hatred are criminal offences.

2. The media operate within a social context, however, so it is essential for them to be aware of changing opinions concerning (sexist) stereotyping and the influence they have in this regard. Accordingly, the Ministry of Education, Culture and Science encourages and facilitates self-regulation within the sector. For example, the public broadcasting system has an ombudsman who handles complaints about journalistic programmes and keeps the broadcasting organisations alert to their responsibilities. In addition, the Advertising Code Committee (Reclame Code Commissie; RCC) examines individual advertisements when it receives, for example, complaints about perceived breaches of good taste or decency.

3. Nevertheless, representation is an important subject worth investigating. In this light, the Netherlands intends to examine how the representation and portrayal of women is evolving. The cabinet has announced this in its Gender & LGBTI Equality Policy Plan 2018–2021.[1]

Recommendation 22 (c): Intensify engagement with relevant actors and allocate resources to finance effective awareness-raising campaigns to promote positive and non-stereotypical portrayals of women in the media and in advertisements and conduct a study on the possible impact of sexist portrayals of women and girls in the media and the extent to which they exacerbate gender-based violence against women in the State party

4. In 2016, as a follow-up to the international conference on the theme 'Women and the Image of Women', organised by the government with the Council of Europe in 2013, the Ministry of Education, Culture and Science funded a study into the way it can work with different stakeholders to create an agenda for the next few years founded on evidence-based information. Initially, the focus was on the extent to which current and future media-makers are aware of stereotyping and want access to tools and resources to bring about change. This resulted in an initiative supported by the Ministry of Education, Culture and Science since September 2017 (the Representation in the Media Coalition; Coalitie Beeldvorming in de media). A number of parties from both the public and commercial media and marketing sectors have joined the Coalition with the goal of combating stereotyping in the media by promoting a balanced (or more balanced) depiction of Dutch society. As well as initiating activities within their own organisations, they aim to put this issue on the agenda of the entire sector.

5. With regard to advertising, the Netherlands would refer to the Advertising Code Committee (Reclame Code Commissie) set up by the Dutch Advertising Code Authority. It has served as a form of self-regulation for over 50 years. Advertising must be in accordance with the law, the truth, good taste and decency. It may not be contrary to the public interest, public policy or moral or ethical standards. Anyone

[1] "The government is considering how the representation of women and LGBTI persons in the media can be investigated in a structural manner" (Gender & LGBTI Equality Policy Plan 2018–2021).

who thinks a particular advert is incompatible with these interests is entitled to lodge a complaint. When deciding what is and is not permissible within these limits, the Committee takes current opinion into account. The government would point out that in this sector too, awareness of the role advertising can play in stereotypical portrayals is growing.

6. Sexist utterances in the media constitute a form of gender stereotyping. Considerable research has been done into the influence of gender stereotypes in media and advertising, one example being the 2017 report of the UK Advertising Standards Association (ASA). The government believes it is important for the Netherlands to make an assessment of the current situation as well. It is therefore engaged in setting up a study of how the representation of women in the media is evolving. The focus will be both on how often women are seen in the media and how they are portrayed.

7. The government would point out that although sexist media utterances are not in themselves the main cause of sexism in general or of gender-related violence in particular, they do contribute to a sexist climate in which gender-related violence can occur.

Recommendation 24 (c): Systematically collect data on all forms of violence against women, disaggregated by age and the relationship between the perpetrator and the victim, as well as on protection measures, prosecutions and sanctions imposed on perpetrators, in particular in the municipalities of Bonaire, Sint Eustatius and Saba

8. In April 2018, the programme 'There's No Place for Violence' (*Geweld hoort nergens thuis*) (2018–2020) was launched by the Ministry of Health, Welfare & Sport, the Ministry of Justice & Security and the Association of Netherlands Municipalities, working in collaboration with the Ministries of Education, Culture & Science and Social Affairs & Employment (under the new government). The aim of the programme is to reduce domestic violence and child abuse, to limit the damage caused by violence and thus to break the cycle of violence, passed on from generation to generation. This programme found that a large number of publications, studies and examples of best practice to tackle domestic violence and child abuse have already been produced. However there is room for improvement in how this information is disseminated and utilised. So a research programme supervised by an advisory committee has been set up to develop, among other things, an outcome-monitoring system. In addition, an instrument is being developed to monitor the effects of the activities conducted by the relevant organisations, professionals and public authorities.

9. In addition, central government is collecting data on domestic violence and child abuse in a number of different ways.

10. The Safe at Home (*Veilig Thuis*) organisations (advice and reporting centres for domestic violence and child abuse) are obliged under the Social Support Act 2015 to provide policy information. This includes statistics on the total number of recommendations issued, and reports of abuse and subsequent investigations carried out by Safe at Home, as well as the number of recommendations and reports of abuse, categorised by the capacity of the person requesting advice or reporting abuse, and the number of recommendations, categorised by the nature of the violence. These figures are not broken down by gender. The data is published every six months by Statistics Netherlands (Centraal Bureau voor de Statistiek; CBS). The information supplied by Safe at Home for the year 2017 can be found at: https://www.cbs.nl/nl-nl/publicatie/2018/25/beleidsinformatie-veilig-thuis-stand-van-zaken-in-2017 (in Dutch). Work is currently under way to improve and adapt the information protocol

in order to align registration with the current implementing practices of Safe at Home organisations.

11. A study of the effectiveness of the approach to domestic violence and child abuse is also under way. This is being carried out by the Verwey-Jonker Institute and Erasmus University in collaboration with a number of other universities and institutions of higher professional education. The study, which follows approximately 2,000 families for 18 months from 2017, looks at the help the families have received in the period under review, whether the violence has stopped, and the well-being of the parents and children. The research programme consists of various elements, including a longitudinal study of intergenerational transference of violence (completion in 2018), a cohort study of the effectiveness of the current approach (completion in 2020) and a qualitative study of what kind of support has been effective (completion in 2020).

12. In addition, population-based prevalence studies are being carried out. The Sexual Health in the Netherlands Monitor, conducted by Rutgers, a centre of expertise on sexual and reproductive health, is a representative study of the Dutch population and deals with issues such as sexual violence or sexually transgressive behaviour among both men and women. The most recent Monitor dates from 2017. In addition, Rutgers and Soa Aids Nederland, an intervention specialist focusing on STIs and HIV, conduct a regular survey entitled 'Sex before you're 25' in collaboration with the municipal health services. The survey provides a representative view of sexual health among young people aged 12 to 25. Last conducted in 2017, this survey also focuses on sexual violence and sexually transgressive behaviour among girls and boys. In May 2018, a prevalence study of the nature and extent of elder abuse was published. It showed that men and women are equally likely to be the victims of such abuse. Furthermore, in 2017 a study was launched into the incidence and prevalence of female genital mutilation, which will be completed at the end of 2018.

13. Finally, at the beginning of 2019 a large-scale prevalence study of the nature and extent of domestic violence and child abuse is due to be published. Following criticism that the previous prevalence study (2010) lacked gender sensitivity, measures were taken to improve the new study in this regard. To that end, an advisory report ('Improving Gender Sensitivity in Prevalence Studies on Domestic Violence') was published in May 2016. Drawn up by Regioplan, a policy research consultant, and Bureau Dijkstra, an agency with expertise in the field of violence within relationships, the report defines a gender-sensitive prevalence study as one that clarifies the differences and similarities between men and women as perpetrators/victims or in the impact violence has on them, as well as the extent to which these differences/similarities are associated with gender. On the basis of the advisory report and an expert meeting, a number of substantive and methodological improvements were made to the current study. The prevalence study comprises several sub-studies: an estimate of the prevalence of domestic violence and child abuse using the capture-recapture method, a survey of school children and multi-informant study of child abuse, a study of perpetrators and prevalence estimates of victims and perpetrators. A synthesis report based on these sub-studies will provide a coherent and gender-sensitive picture of the current prevalence and nature of domestic violence and child abuse and their concurrence within the family.

14. With regard to Bonaire, St Eustatius and Saba, the decision was made to emphasise the implementation of the administrative agreement on domestic violence and child abuse for the period 2017–2020. This agreement was concluded by the Ministry of Health, Welfare and Sport with the public authorities of the three islands. Its priorities are prevention (awareness raising and information provision), enhancing the expertise of the professionals concerned, strengthening the support provided and cooperation within the entire support structure, including creating safe shelters for

victims, taking steps to enhance cooperation between support agencies and the justice authorities, and setting up an easily accessible reporting system. In designing this system, attention will be paid to possible forms of registration.

Recommendation 36 (d): Intensify efforts to investigate, prosecute and sanction reported cases of pregnancy-related discrimination, including sexual harassment

15. In March 2017 the Ministry of Social Affairs and Employment (Sociale Zaken en Werkgelegenheid; SZW) launched the Pregnancy-Related Discrimination Action Plan, which complements the 2014 Labour Market Discrimination Action Plan. The Pregnancy-Related Discrimination Action Plan contains 13 measures designed to tackle this form of discrimination in the labour market, and is aimed in part at enforcement, awareness-raising, reporting and registration. The labour discrimination team at the SZW Inspectorate (Inspectie Sociale Zaken en Werkgelegenheid; ISZW) plays a role in enforcement. The team checks whether employers have a policy to tackle discrimination on any of the twelve grounds listed in Dutch legislation. This may be on grounds of sex, which includes pregnancy. At each visit to a company, the team assesses whether and to what extent this is — or could be — a problem, and whether the company's policy and provisions are appropriate or require amendment.

16. The present government wishes to maintain a focus on pregnancy-related discrimination, including within its broader labour-market policy. A new Labour Market Discrimination Action Plan that will include measures to combat pregnancy-related discrimination will be created before the end of 2018. In tackling discrimination on grounds of pregnancy the emphasis will remain on knowledge (information provision) and awareness among both pregnant women and employers. The scope for strengthening the ISZW's enforcement role with regard to monitoring discrimination, including pregnancy-related discrimination, in recruitment and selection is currently being explored. In the first six months of 2018, the Ministry of Education, Culture and Science funded an awareness-raising project entitled Baby and Job (*Baby en Baan*), including an online campaign targeting women of child-bearing age who are employed or seeking employment. The main focus is the importance of retaining or obtaining employment for pregnant staff and parents of young children. The project has provided information to a large number of women on their rights and scope for action. The online campaign has been extended to July 2019, with the help of a financial contribution from the Ministry of Social Affairs and Employment.

17. In recent years the same ministry has devoted considerable attention to the problem of psychosocial stress factors in the workplace. This includes direct and indirect discrimination in the workplace, including sexual harassment, aggression and violence, bullying and pressure of work. These stress-causing factors often lead to increased absenteeism and high staff turnover. Now that the government has put the issue on the agenda, the emphasis has moved to supporting concrete measures within organisations to prevent and tackle sexual harassment, among other factors. For example, the government has drawn attention to the need to appoint confidential advisers to whom victims can easily turn for care and to report inappropriate behaviour. Just as in the case of discrimination, the ISZW monitors the measures taken by employers to protect their staff from work-related stress, paying particular attention to risks.

18. In its coalition agreement the present government announced that it would be expanding ISZW's capacity. Funding will gradually increase until 2021, when €50 million will be set aside annually for ISZW's enforcement system. The subjects of work-related stress and labour market discrimination, including pregnancy-related

discrimination, will be included in decision-making on the deployment of ISZW in the coming years (scheduled for autumn 2018).

19. In addition to ISZW's monitoring of pregnancy-related discrimination and work-related stress, women themselves can report discrimination and sexual harassment through a number of channels. They can, for example, lodge a complaint with their local anti-discrimination service (Anti-Discriminatie Voorziening; ADV). The ADVs offer support to victims of discrimination and can mediate in discussions with employers. Cases can also be submitted to the Netherlands Institute for Human Rights (College voor de Rechten van de Mens; CVRM) or the civil courts. Although the Institute's findings are not legally binding, the 87% follow-up rate shows that defending parties are willing to take appropriate measures in response. The Institute's findings are always made public. Another possibility is to apply to the civil courts for compensation. The 2017 Discrimination Cases Monitor shows that 35% of the 4,259 reports received by the Institute in that year concerned pregnancy-related discrimination. An analysis by the Institute of the 855-plus cases reported to the provisional pregnancy-related discrimination reporting centre (May/June 2017) revealed that it is mostly women with a temporary or flexible contract who encounter this type of discrimination.

20. Inappropriate sexual behaviour between adults is a criminal offence if compulsion is involved, as is sexual interaction involving abuse of persons in a vulnerable situation or position, or abuse of authority. Victims can report such behaviour to the police or one of the sexual assault centres (Centrum Seksueel Geweld; CSG). The opening of the 16th CSG in 2018 completed a national network of centres where victims of sexual violence can find multidisciplinary (forensic, medical and psychosocial) support.